

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 6-8 are presently pending in this case.

In the outstanding Official Action, Claims 6-8 were rejected under 35 U.S.C. §103(a) as unpatentable over Nishikido et al. (U.S. Patent Application Publication No. 20030058177, hereinafter “Nishikido”) in view of Tay et al. (U.S. Patent No. 6,281,851, hereinafter “Tay”).

The outstanding rejection is respectfully traversed.

Claim 6 recites in part:

a conductor board including at least a circuit board;
a box-shaped shield member having an electrical length about half that of said conductor board, and having an ***opening*** at a top thereof to receive said conductor board ***therein*** so that said box-shaped shield member has an inside surface that faces a surface of said conductor board and a bottom of said conductor board is electrically connected to a bottom of said box-shaped shield member; and
a feeding mechanism configured to supply power to around a center of said conductor and at the top of said box-shaped shield member.

The outstanding Office Action cited monopole part 14 of Nishikido as “a conductor board” and antenna part 10, earthing part 11, and crest folding part 14a of Nishikido as “a box-shaped shield member” as recited in Claim 6.¹ However, it is respectfully noted that antenna part 10 of Nishikido is simply a conductive plate, and thus does not have any opening at all much less “an opening at a top thereof to receive said conductor board therein.”² Even considered with earthing part 11 and crest folding part 14a, antenna part 10 still does not form a box shaped shield member with an opening at a top thereof to receive said conductor board therein. Moreover, Figure 8C of Nishikido clearly shows that monopole part 14 is simply next to antenna part 10 and in contact with crest folding part 14a

¹See the outstanding Office Action at page 2, lines 17-21.

²See Nishikido, paragraph 80.

and earthing part 11, and thus is not inside an opening of a box-shaped shield member formed by antenna part 10, earthing part 11, and crest folding part 14a. In fact, the last line of paragraph 80 of Nishikido describes that crest folding parts 10a and 14a are bent to form the antenna part 10, and thus cannot be part of “a box-shaped shield member” as defined in Claim 6. Thus, it is respectfully submitted that Nishikido does not teach or suggest “a box-shaped shield member” as defined in Claim 6.

The outstanding Office Action conceded that monopole part 14 of Nishikido does not include a circuit board, and cited printed circuit board 13 of Tay as describing this feature.³ However, printed circuit board 13 of Tay does not function as an antenna, but instead functions as a feeding system. Accordingly, replacing monopole part 14 of Nishikido with printed circuit board 13 of Tay would make the device described by Nishikido unsuitable for its intended purpose, as a portable radio apparatus would no longer include the monopole part 14. As *In re Gordon* holds that if proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984), it is respectfully submitted there is no suggestion or motivation to make the proposed modification in the outstanding Office Action. See MPEP §2143.01.

Consequently, as Nishikido and Tay do not teach or suggest all the elements of Claim 6, and there is no suggestion or motivation to make the proposed combination, Claim 6 (and Claims 7 and 8 dependent therefrom) is patentable over Nishikido in view of Tay.

³See the outstanding Office Action at page 3, lines 2-10.

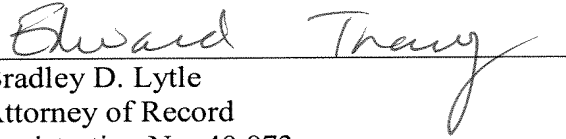
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Reply to Office Action of September 13, 2007

Accordingly, the pending claims are believed to be in condition for formal allowance.

An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

A handwritten signature in cursive script, appearing to read "Bradley D. Lytle", is written over a horizontal line.

Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

Edward W. Tracy, Jr.
Registration No. 47,998